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TAGS: [PGOV](#) [PHUM](#) [TU](#)  
SUBJECT: ARMENIAN CONFERENCE FALLOUT: TRIAL OF FIVE  
PROMINENT JOURNALISTS BEGINS

REF: A. 05 ISTANBUL 2058

[1](#)B. 05 ISTANBUL 1680

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[1](#)1. (U) Summary: Nationalist tensions took center stage at the opening hearing of five Turkish journalists charged with insulting and seeking to influence the Turkish judiciary as a result of columns they wrote criticizing the court injunction that temporarily blocked last September's "Alternative Armenian Conference." Legal counsel for the nationalist lawyers group whose complaint led Istanbul prosecutors to file the initial charges protested vociferously when the judge did not permit a statement to the court. Police closely controlled access to the court and the streets surrounding it, however, preventing recurrence of the mayhem that surrounded December's Pamuk hearing. End Summary.

[1](#)2. (U) The first hearing in the case against journalists was held February 7 at an Istanbul courthouse outside which a group of nationalist protesters demonstrated under heavy security. Adding to the sense of drama surrounding the hearing was the presence of high-profile EU observer, Joost Lagendijk, the co-chair of the Turkey-EU Joint Parliamentary Group, who was himself the subject of a Turkish prosecutor's investigation (eventually dropped) for "insulting Turkishness." (Note: Lagendijk was particularly outspoken in the case of Orhan Pamuk, and earned the wrath of Turkish nationalists for his criticism about the state of freedom of speech in Turkey. End note.) Press reports indicate Lagendijk was accompanied to the court by 10 police officers, in a clear attempt to prevent a recurrence of the fistcuffs suffered by EU observers at the Pamuk hearing.

[1](#)3. (U) All five defendants appeared in court and provided both oral and written statements to the effect that their articles were not an attempt to "insult" or "influence" the judiciary, but rather should be seen in the context of freedom of expression. (Note: Some were charged under multiple articles of the penal code. Four of the journalists were charged under Article 288 for attempting to influence the judiciary, while three were charged under Article 301 for insulting the judiciary. End note.) Also in attendance at the hearing were lawyers affiliated with the nationalist Union of Turkish Jurists, the group that had initially brought the complaint about the articles to the prosecutor's office last fall.

[1](#)4. (U) Turkish media reported that the judge occasionally was forced to call police in to "silence" this group of nationalists lawyers to maintain order in the court. In

response, the group reportedly has asked for the judge to recuse himself, alleging his partiality in not allowing them to give statements as complainants. The session adjourned with the next hearing set for April 11, when the court will have had time to examine the defendants' statements and documents, as well as the recusal request.

¶5. (SBU) Comment: Though the freedom of expression principles at stake are similar, the hearing lacked the celebrity attention that accompanied Orhan Pamuk's trial last December. The dismissal of Pamuk's case was a positive development, but ongoing court cases underscore the fact that neither law nor tradition protects controversial speech in Turkey. Some individuals currently charged with "insulting Turkishness" under Article 301 -- reportedly including academic Baskin Oran, who wrote a report on minorities in Turkey -- prefer to face the legality of such cases directly and publicly, rather than have the charges against them dismissed. The issue will thus likely remain at the center of Turkey's human rights agenda with the EU in coming months.

End comment.

JONES